IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3553 OF 2002.
IN
INCOME TAX APPELAL (L) NO. 775 OF 2002.
IN
INCOME TAX APPEAL NO. 210 OF 2002.

The Commissioner of Income Tax,
Mumbai City-XII, Mumbai. .. Appellant.

V/s.

M/s Mittal & Co. .. Respondent.

Shri Parag Vyas i/bG.C. Mishra for the appellant.

CORAM : V.C.DAGA AND J.P. DEVADHAR, JJ.

DATED : 3.10.2005.

P.C. :

. Learned Counsel appearing for the appellant seeks permission to withdraw this appeal since the issue involved in this appeal is covered by the judgment of this Court in the case of Cadella Weaving Mills Co.P.Ltd vs. CIT (249 ITR 265). Appeal is allowed to be withdrawn. The same is dismissed as withdrawn with no order as to costs.

. In view of the withdrawal of the appeal, no orders are necessary on the Notice of Motion. The same stands disposed of with no order as to costs.

(J.P. DEVADHAR,J.) **(V.C. DAGA,J.)**